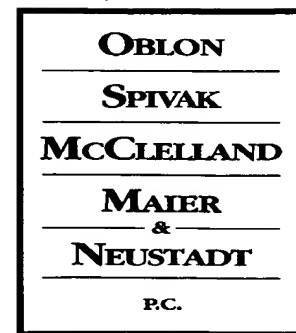




Docket No.: 196811US0PCT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 09/623,596  
Applicants: Masaaki WACHI, et al.  
Filing Date: September 5, 2000  
For: A GENE CODING FOR PENICILLIN BINDING  
PROTEIN AND A METHOD FOR PRODUCING L-  
GLUTAMIC ACID  
Group Art Unit: 1656  
Examiner: Kerr, K.M.

SIR:

Attached hereto for filing are the following papers:

**Petition Under 37 C.F.R. §1.181(a)(3)**  
**Copy of Date-stamped Filing Receipt dated August 8, 2003**  
**Copy of Information Disclosure Statement filed August 8, 2003**  
**Copy of Form PTO 1449 filed August 8, 2003**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

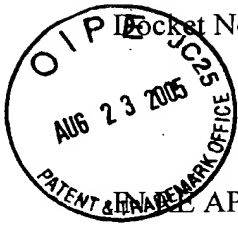
Stephen G. Baxter  
Registration No. 32,884

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)

Vincent K. Shier, Ph.D.  
Registration No. 50,552



Patent No.: 196811US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICATION OF:

:

MASAAKI WACHI ET AL

: EXAMINER: KERR, K.M.

SERIAL NO: 09/623,596

: GROUP ART UNIT: 1656

FILED: SEPTEMBER 05, 2000

: ALLOWED: JULY 11, 2005

FOR: A GENE CODING FOR PENICILLIN BINDING PROTEIN AND A METHOD FOR  
PRODUCING L-GLUTAMIC ACID

PETITION UNDER 37 C.F.R. §1.181(a)(3)

COMMISSIONER FOR PATENTS  
Alexandria, VA 22313-1450

SIR:

Petitioners respectfully request the Office to invoke the supervising authority of the Commissioner and consider Petitioners' Comments on Statement of Reasons for Allowance, concurrently filed herewith, and also indicate that the references cited on the Information Disclosure Statement filed on August 8, 2003, have been considered. Petitioners respectfully request that the Examiner acknowledge consideration of same by providing Applicants with initialed copies of the Form PTO-1449 enclosed herewith listing these references. Petitioners submit herewith a copy of the Information Disclosure Statement as originally filed on August 8, 2003, along a copy of the date-stamped filing receipts evidencing the timely filing thereof.

For the reasons given above, this petition should be GRANTED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Stephen G. Baxter, Ph.D.  
Registration No. 32,884

Vincent K. Shier, Ph.D.  
Registration No.: 50,552

Customer Number

**22850**

Tel: (703) 413-3000

Fax: (703) 413-2220

(OSMMN 08/03)



LWE

OSMM&N File No. 196811US0PCT

Serial No. 09/623,596

In the matter of the Application of: Masaaki WACHI, et al.

For: A GENE CODING FOR PENICILLIN BINDING PROTEIN AND A METHOD FOR PRODUCING L-GLUTAMIC ACID

Dept.: PP

By: VKS/shb

Due Date: 08/15/03

The following has been received in the U.S. Patent Office on the date stamped hereon:

■ Dep. Acct. Order Form

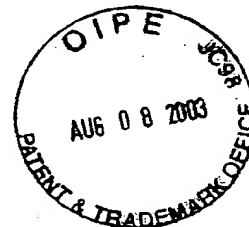
■ Information Disclosure Statement

■ PTO-1449

■ Cited References (3)

■ Search Report EUROPEAN

COPY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Masaaki WACHI, et al.

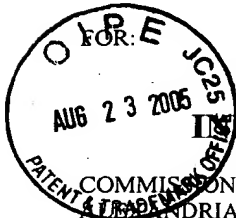
SERIAL NO: 09/623,596

GAU: 1652

FILED: September 5, 2000

EXAMINER: Kathleen M. KERR

RCE FILED: March 17, 2003



A GENE CODING FOR PENICILLIN BINDING PROTEIN AND A METHOD FOR PRODUCING L-GLUTAMIC ACID

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant(s) wish to disclose the following information.

REFERENCES

- ☒ The applicant(s) wish to make of record the references cited in the attached European Search Report listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- ☐ A check is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- ☐ Attached is a list of applicant's pending application(s) or issued patent(s) which may be related to the present application. A copy of the patent(s), together with a copy of the claims and drawings of the pending application(s) is attached along with PTO 1449.
- ☐ A check is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

- ☒ Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- ☒ Please charge any additional fees for the papers being filed herewith and for which no check or credit card payment form is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Vincent K. Shier, Ph.D.  
Registration No. 50,552



22850

Form PTO 1449  
(Modified)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.

196811US0PCT

SERIAL NO.

09/623,596

LIST OF REFERENCES CITED BY APPLICANT

APPLICANT

Masaaki WACHI, et al.

FILING DATE

September 5, 2000

RCE Filed: March 17, 2003

GROUP

1652

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	3,080,297	03/05/63	T. PHILLIPS, et al.		
	AB					
	AC					
	AD					
	AE					
	AF					
	AG					
	AH					
	AI					
	AJ					
	AK					
	AL					
	AM					
	AN					

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES	NO
	AO	0 780 477	06/25/97	EUROPE	
	AP				
	AQ				
	AR				
	AS				
	AT				
	AU				
	AV				

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	AW	Database 'Online I, Database Accession no. 006214, pages 1-2, XP-002242344, "DESCRIPTION AND ORIGIN OF THE PROTEIN" July 1, 1997
	AX	
	AY	
	AZ	

☐ Additional References sheet(s) attached

Examiner

Date Considered

\*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.